

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-111121-002 DT

12/05/2014

HON. ROSA MROZ

CLERK OF THE COURT

J. Matlack

Deputy

STATE OF ARIZONA

LORI A EIDEMANIS

v.

JUAN GARCIA (002)

AMY MICHELLE KALMAN

GERALD M BRADLEY

DOB: July 12, 1993

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DOC

AZ DOC - INMATE TRUST ACCOUNTS

DISPOSITION CLERK-CSC

RFR

APO-SENTENCINGS-CCC

SENTENCE - IMPRISONMENT AND PROBATION

9:08 a.m.

Courtroom 7D - SCT

State's Attorney:

Lori Eidemanis

Defendant's Attorney:

Amy Kalman & Gerald Bradley

Defendant:

Present

Court Reporter, Monica Hill-Morrisette, is present.

A record of the proceeding is also made by audio and/or videotape.

The victim's father addresses the Court.

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Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

Count(s) 3: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2: As Amended: Second Degree Murder
Class 1 Felony; Dangerous Crime Against Children; Domestic Violence Offense
A.R.S. § 13-3601, 1101, 1104, 710, 705, 701, 702, and 801
Date of Offense: On or About February 24, 2012
Non Dangerous - Non Repetitive

OFFENSE: Count 3: As Amended: Child Abuse
Class 3 Felony; Domestic Violence Offense
A.R.S. § 13-3623(F)(A)(C), 3601, 701, 702, and 801
Date of Offense: On or About February 24, 2012
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 25.0 (FLAT) year(s) from December 5, 2014
Presentence Incarceration Credit: 933 day(s)

More Than Presumptive

Community Supervision: Count 2 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in Count 3.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

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Upon physical release from prison pursuant to A.R.S. §13-603(K). Count 3: For a period of LIFETIME.

Conditions of probation include the following:

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 3 - \$65.00 per month.

PROBATION SURCHARGE: Count 3 - \$20.00.

Count 3: \$50.00 to the Family Offense Assessment, payable \$TBD per month, beginning on the first day of the fourth month upon physical release from prison.

Count 3: \$50.00 to the Address Confidentiality Program, payable \$TBD per month, beginning on the first day of the fourth month upon physical release from prison.

Payment to commence on the first day of the fourth month upon physical release from prison and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his/her presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

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Condition 19: Not have any contact with the victim(s) in any form, unless approved in writing by the APD.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Domestic Violence

Condition 22: Other - Defendant shall not assume care for a child under 16 years old unless he has advance written approval from APD.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 4 & 5; Notice of Death Penalty as to Count 2; Dangerous Crime Against Children allegation as to Count 3 as reflected in the Plea Agreement.

Count(s) 3: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

9:49 a.m. Matter concludes.

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This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>.
Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. ROSA MROZ
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)